

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

VICTOR LEMMONS, JR.,	)	
Reg. No. 39723-068,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:21-CV-423-WHA-KFP
	)	
JANE DOE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This 42 U.S.C. § 1983 action was filed by Plaintiff, an inmate detained at the Montgomery Federal Prison Camp in Montgomery, Alabama. Plaintiff alleges a violation of his constitutional rights resulting from the allegedly inadequate provision of medical care provided him in August 2020 during his detention at the Erie County Prison in Erie, Pennsylvania. Pending before the Court is the Recommendation of the Magistrate Judge entered on July 9, 2021, which recommends transfer of the Complaint to the United States District Court for the Western District of Pennsylvania under 28 U.S.C. § 1406(a). Doc. 3. Plaintiff has filed Objections to the Recommendation. Doc. 4. Based upon a *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b)(1), the Recommendation is due to be adopted as follows.

In his Objections, Plaintiff asserts that on April 26, 2021, an order was entered in a matter before the United States District Court for the Western District of Pennsylvania which stated Plaintiff's "proper course of action [was] for him to promptly file a new civil

action . . . where he is presently incarcerated.” Doc. 4 at 1. Plaintiff maintains he followed the directives of that order by filing the instant action with this Court which he argues should be decided in this jurisdiction. *Id.* Plaintiff has not submitted a copy of the order referred to in his Objections. Plaintiff has also not provided the case number in which the referenced order was filed and a PACER<sup>1</sup> search of cases in which Plaintiff is named party fails to support his assertion. More importantly, Plaintiff’s Objections fail to undermine the findings and conclusion in the Recommendation that the proper venue for this action is in the United States District Court for the Western District of Pennsylvania, and it should therefore be transferred to that court under 28 U.S.C. § 1406(a). For these reasons, Plaintiff’s Objections are due to be overruled and the Recommendation is due to be adopted. Accordingly, it is

ORDERED that:

1. Plaintiff’s Objections (Doc. 4) are OVERRULED.
2. The Recommendation of the Magistrate Judge (Doc. 3) is ADOPTED.
3. This case is TRANSFERRED to the United States District Court for the Western District of Pennsylvania under 28 U.S.C. § 1406(a).

The Clerk of the Court is DIRECTED to take the necessary steps to effectuate the transfer of this action.

This case is closed in this Court.

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<sup>1</sup> PACER is the acronym for Public Access to Court Electronic Records. PACER provides electronic access to records and documents filed at all federal courts.

Done, this 21st day of July 2021.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE